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09/842,323	04/26/2001	Kai Zeh	723-1069	5657
27562 7590 12/11/2008 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
STORK, KYLE R				
ART UNIT		PAPER NUMBER		
2178				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/842,323

**Applicant(s)**

ZEH, KAI

**Examiner**

KYLE R. STORK

**Art Unit**

2178

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This final office action is in response to the remarks filed 16 October 2008.
2. Claims 12 and 14-23 are pending. Claims 12, 17, and 18 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 14-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hanway (US 6671726, filed 23 June 1999), and further in view of Bassi et al. (US 5319645, patented 7 June 1999).

As per independent claims 12, Hanway discloses a data submission system, comprising:

- Communication circuitry for receiving data over the internet from a user (column 4, lines 6-25: Here, a user creates an email to be sent to a recipient. The email is the data, the writer of the email is the user; Abstract)
- A memory for storing routing information for the recipient of the data (column 1, line 1- column 2, line 29: Here, the well known system for email is described. An email contains an email address of a recipient. The data is then transferred from

the immediate memory of a computer to the network. The network then accesses routing tables to deliver the email to the recipient)

- Processing circuitry for sending data regarding the received data to the one or more recipients of the data in accordance with the routing data (column 7, lines 1-63)

Hanway does not specifically disclose wherein the data sent to a recipient is specification data to be tested. However, Bassi discloses use of specification data to be tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Hanway, since it would have allowed a user to minimize the time required for testing by dividing the processing between multiple processes (Bassi: column 5, lines 45-66). Further, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined video games with Bassi and Hanway, since it would have allowed a user to minimize the time required for game testing by dividing the game processing between multiple processes (Bassi: column 5, lines 45-66).

As per dependent claim 14, Hanway and Bassi disclose the limitations similar to those in claim 12, and the same rejection is incorporated herein. Hanway discloses a user at a remote terminal (column 3, lines 65-67). Bassi further discloses allowing access to the status of the data at a terminal (column 6, line 64- column 7, line 37). It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have combined Bassi with Hanway, since it would have allowed a remote user to obtain status data (Bassi: column 7, lines 16-37).

As per dependent claim 15, Hanway and Bassi disclose the limitations similar to those in claim 12, and the same rejection is incorporated herein. Hanway further discloses notification of the receipt of data (column 4, lines 45-57: Here, the terminal provides an indication of receipt of data, flashing lights or ejection of disk).

As per dependent claim 16, Hanway and Bassi disclose the limitations similar to those in claim 12, and the same rejection is incorporated herein. Bassi further discloses wherein the data comprises program or specification data (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Hanway, since it would have allowed a user to transmit data for testing to a recipient capable of testing the data.

As per independent claim 17, Hanway discloses a server submission system, the server comprising:

- Communication circuitry configured to permit remote access to the server over the internet (column 3, lines 65-67; Abstract)
- A processing system (column 1, line 1- column 2, line 29)
- A data submission application executed by remote access to a server to enter data to submit to a recipient (column 7, lines 1-63)

Hanway does not specifically disclose wherein the data sent to a recipient is specification data to be tested. However, Bassi discloses use of specification data to be tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined Bassi with Hanway, since it would have allowed a user to minimize the time required for testing by dividing the processing between multiple processes (Bassi: column 5, lines 45-66). Further, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined video games with Bassi and Hanway, since it would have allowed a user to minimize the time required for game testing by dividing the game processing between multiple processes (Bassi: column 5, lines 45-66).

Hanway further discloses a user at a remote terminal (column 3, lines 65-67), but fails to disclose accessing the status of the data at a terminal. Bassi further discloses allowing access to the status of the data at a terminal (column 6, line 64- column 7, line 37). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Hanway, since it would have allowed a remote user to obtain status data (Bassi: column 7, lines 16-37).

5. Claims 18-21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Yankovich et al. (US 6704906, filed 27 March 1999), and further in view of Bassi.

As per independent claim 18, Yankovich discloses a computer readable medium storing instructions executable by a processing system to control a submission system server for submitting data to:

- Generate one or more interactive forms that are remotely accessible via a communication network, the interactive forms comprising data fields for inputting characteristics of data (column 1, lines 34-67: Here, a form is generated (see lines 65-67). Further, the user inputs data into the electronic form viewable through a web browser)
- Receive via the communication network the data characteristics input to the interactive forms (column 1, lines 34-67) along with corresponding data (column 2, line 58- column 3, line 22)
- Automatically route the received data characteristics in accordance with a routing list to one or more recipients (column 1, lines 34-67)

Yankovich fails to specifically disclose wherein the data is video game testing data. However, Bassi discloses submission of specification data to be tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Yankovich, since it would have allowed a user to minimize the time required for testing by dividing the processing between multiple processes (Bassi: column 5, lines 45-66). Further, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined video games with Bassi and Yankovich, since it would have allowed a user to minimize the time required for game testing by dividing the game processing between multiple processes (Bassi: column 5, lines 45-66).

As per dependent claim 19, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Yankovich further discloses storing the data characteristics and the data in the same storage device (column 2, line 58- column 3, line 22: Here, the data is submitted within the form with the data characteristics. Therefore, they are both stored in the location the form is stored).

As per dependent claim 20, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Bassi further discloses allowing access to the status of the data at a terminal (column 6, line 64- column 7, line 37). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Yankovich, since it would have allowed a remote user to obtain status data (Bassi: column 7, lines 16-37).

As per dependent claim 21, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Yankovich discloses receiving form data over a network (column 1, lines 6-9). However, Yankovich fails to specifically disclose the network being the Internet. However, it was well known at the time of the applicant's invention that the Internet was a global network allowing users from all over the world to exchange data. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have used the Internet as the network of Yankovich, since it would have allowed users from all over the world to submit data to populate forms for proper routing of the data.



6. Claim 22 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Yankovich and Bassi and further in view of Pennell et al (US 6910179, filed 9 November 1999, hereafter Pennell).

As per dependent claim 22, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Yankovich fails to specifically disclose validating the data input to one or more data fields. However, Pennell discloses extracting data as input to one or more data fields (column 3, line 26-column 4, line 8). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Pennell with Yankovich, since it would have allowed a user to save time by automatically fill in data fields.

7. Claim 23 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Yankovich, Bassi, Pennell, and further in view of Dipaolo et al. (US 5367619, patented 22 November 1994, hereafter Dipaolo).

As per dependent claim 23, Yankovich, Bassi, and Pennell disclose the limitations similar to those in claim 22, and the same rejection is incorporated herein. Yankovich fails to specifically disclose generating an indicia indicative of the failure to validate data input into one or more data fields. However, Dipaolo teaches generating an indicia indicative of the failure to validate data input into one or more data fields (column 41, lines 44-47). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Dipaolo with Yankovich, since it

would have allowed a user to easily determine whether the data was properly submitted.

### ***Response to Arguments***

8. Applicant's arguments filed 16 October 2008 have been fully considered but they are not persuasive.

The applicant's arguments are based upon the belief that the prior art of record fails to teach or suggest a submission system for submitting video game programs for reviewing and testing (page 5). However, the examiner respectfully disagrees. Bassi discloses the submission of specification data in order for the specification data to be tested (column 1, lines 10-24). This specification data is a program. Further, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness. Therefore, the combination of the well known, in conjunction with the teaching of Bassi, would result in a system wherein a program, such as a video game program would be able to be submitted for testing. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined video games with Bassi and Hanway, since it would have allowed a user to minimize the time required for game testing by dividing the game processing between multiple processes (Bassi: column 5, lines 45-66).

Further, the applicant argues that neither Bassi nor Hanway disclose a video game program (page 6). However, the examiner does not rely upon either of these

sources to disclose a video game program. Instead, the examiner relies upon the well known; specifically, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness (see McGregor). For this reason, this argument is not persuasive.

The applicant further argues that Hanway fails to provide the ability to provide remote access to a server so that data may be submitted to a recipient (page 7). The examiner respectfully disagrees. Hanway discloses a system allowing a user to send and receive data, via email, using a computer network, such as the Internet (Abstract; Figure 1). This argument is not persuasive.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McGregor et al. ([A Practical Guide to Testing Object-Oriented Software](#), 5 March 2001): Discloses testing of object-oriented programs. The provided example is a game, Brickles.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Stork/

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